



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.12053 of 2021

Krishnasamy

... Petitioner

.vs.

1.The Superintendent of Police,
Coimbatore District.

2.The State
Rep.by the Deputy Superintendent of Police,
District Crime Branch,
Coimbatore District.

3.The Inspector of Police,
Vadakkipalayam Police Station,
Pollachi Taluk,
Coimbatore District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 3rd respondent police to register the complaint dt.24.06.2021 file a FIR and proceed in accordance with law.

For Petitioner : Mr.N.Umapathi

For Respondents : Mr.E.Raj Thilak
Government Advocate (Crl.side)
for R 1

ORDER

This petition has been filed seeking for a direction to direct the 3rd respondent police to register the complaint dt.24.06.2021.

2.The main grievance of the petitioner is that one Shiva Kumar's whose wife is a senior Judicial Officer at Tiruppur, using her name harassing, threatening and want to take



away the petitioner's property their terms. Initially, the petitioner and Sivakumar entered a sale agreement for an amount of Rs.1,00,000/- on 06.02.2019 and this amount has been paid and thereafter an extension agreement was entered on 04.02.2020. Both the agreements are registered Doc.Nos.1147/20219 and 1079 of 2020. Using this agreement, the petitioner is forced to hand over the possession of the property.

3.The case of the petitioner is that in both the agreements there is mention about the receipt of advance and it is clearly mentioned that possession is retained by the petitioner. The said Sivakumar is forcing the petitioner and further attempting to interfere with the peaceful possession of the petitioner's property. Both of them filed Civil Suits and the suits were pending without any enquiry. The said Sivakumar openly proclaims that his wife is a senior Judicial Officer at Tiruppur and with the help of henchman, he will take away the property by throwing away the petitioner from his possession. The petitioner sent a representation to the Registrar General of this Court and the Registrar General had asked the petitioner to file an affidavit along with the relevant documents notarised. The petitioner fearing for his life and property has filed this petition.

4.The learned Government Advocate (Crl.side) appearing for the respondents submitted that the petitioner to appear before the respondent police to substantiate his complaint with documents and thereafter, an enquiry will be conducted as per law. It is also submitted that if any apprehension that there is life threat to the petitioner, the respondent police would take appropriate action. He further submitted that there are complaint and counter complaint between the petitioner and the said Sivakumar, now both the complaints forwarded to the Executive Magistrate, since there is likelihood of disturbance of peace and tranquility, now Section 107 Cr.PC., proceedings initiated and forwarded to the Revenue Divisional Officer. The petitioner is directed to cooperate with the RDO for enquiry.

5.With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

kp



To

- 1.The Superintendent of Police,
Coimbatore District.
- 2.The Deputy Superintendent of Police,
District Crime Branch,
Coimbatore District.
- 3.The Inspector of Police,
Vadakkipalayam Police Station,
Pollachi Taluk,
Coimbatore District.
- 4.The Public Prosecutor,
High Court, Chennai.
- 5.The Revenue Divisional Officer,
Pollachi,
Coimbatore District.

Copy to

- 6.The Registrar General,
High Court,
Madras - 104.

+1cc to M/s.N.Umapathi, Advocate Sr No.33889

CRL.O.P.No.12053 of 2021

PCH (CO)
PR (31/08/2021)